



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

In re Application of
Jeffrey L. Cleland et al.
Application No. 10/080,502
Filed: February 22, 2002
Attorney Docket No.: 10466/286

COPY MAILED

DEC 20 2006

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed November 28, 2006 to withdraw the holding of abandonment for the above-identified application. The petition is being treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on August 7, 2006, for failure to timely submit a timely response to the non-Final Office Action mailed May 4, 2006, which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed November 16, 2006.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment, a three month extension of time request and a post card receipt date stamped November 6, 2006 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, an amendment was filed on November 6, 2006. Accordingly, the Notice of Abandonment mailed November 16, 2006 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 1615 for appropriate action on the amendment filed November 6, 2006, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions